

PATENT COOPERATION TREATY

From the INTERNATIONAL SEARCHING AUTHORITY

PCT

To:

Fish & Richardson P.C.
Attn: Babineau, James W.
P.O. Box 1022
Minneapolis MN 55440-1022
ETATS-UNIS D'AMERIQUE

NOTIFICATION OF TRANSMITTAL OF
THE INTERNATIONAL SEARCH REPORT AND
THE WRITTEN OPINION OF THE INTERNATIONAL
SEARCHING AUTHORITY, OR THE DECLARATION

(PCT Rule 44.1)

Date of mailing (day/month/year) 07/07/2009	
Applicant's or agent's file reference 05918-526W01	FOR FURTHER ACTION See paragraphs 1 and 4 below
International application No. PCT/US2009/040003	International filing date (day/month/year) 09/04/2009
Applicant VELCRO INDUSTRIES B.V.	

1. ☒ The applicant is hereby notified that the international search report and the written opinion of the International Searching Authority have been established and are transmitted herewith.

Filing of amendments and statement under Article 19:

The applicant is entitled, if he so wishes, to amend the claims of the International Application (see Rule 46):

When? The time limit for filing such amendments is normally two months from the date of transmittal of the International Search Report.

Where? Directly to the International Bureau of WIPO, 34 chemin des Colombettes,
1211 Geneva 20, Switzerland. Facsimile No.: (41-22) 338.82.70

For more detailed instructions, see the notes on the accompanying sheet.

2. ☐ The applicant is hereby notified that no international search report will be established and that the declaration under Article 17(2)(a) to that effect and the written opinion of the International Searching Authority are transmitted herewith.

3. ☐ With regard to the protest against payment of (an) additional fee(s) under Rule 46.2, the applicant is notified that:

- ☐ the protest together with the decision thereon has been transmitted to the International Bureau together with the applicant's request to forward the texts of both the protest and the decision thereon to the designated Offices.
☐ no decision has been made yet on the protest; the applicant will be notified as soon as a decision is made.

4. Reminders


Shortly after the expiration of 18 months from the priority date, the international application will be published by the International Bureau. If the applicant wishes to avoid or postpone publication, a notice of withdrawal of the international application, or of the priority claim, must reach the International Bureau as provided in Rules 90bis.1 and 90bis.3, respectively, before the completion of the technical preparations for international publication.

The applicant may submit comments on an informal basis on the written opinion of the International Searching Authority to the International Bureau. The International Bureau will send a copy of such comments to all designated Offices unless an international preliminary examination report has been or is to be established. These comments would also be made available to the public but not before the expiration of 30 months from the priority date.

Within 19 months from the priority date, but only in respect of some designated Offices, a demand for international preliminary examination must be filed if the applicant wishes to postpone the entry into the national phase until 30 months from the priority date (in some Offices even later); otherwise, the applicant must, within 20 months from the priority date, perform the prescribed acts for entry into the national phase before those designated Offices.

In respect of other designated Offices, the time limit of 30 months (or later) will apply even if no demand is filed within 19 months.

See the Annex to Form PCT/IB/301 and, for details about the applicable time limits, Office by Office, see the PCT Applicant's Guide, Volume II, National Chapters and the WIPO Internet site.

Name and mailing address of the International Searching Authority  European Patent Office, P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk Tel. (+31-70) 340-2040, Tx. 31 651 epo nl. Fax: (+31-70) 340-3018	Authorized officer Jacqueline van Ekelenburg
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NOTES TO FORM PCT/ISA/220

These Notes are intended to give the basic instructions concerning the filing of amendments under article 19. The Notes are based on the requirements of the Patent Cooperation Treaty, the Regulations and the Administrative Instructions under that Treaty. In case of discrepancy between these Notes and those requirements, the latter are applicable. For more detailed information, see also the *PCT Applicant's Guide*, a publication of WIPO.

In these Notes, "Articles", "Rule", and "Section" refer to the provisions of the PCT, the PCT Regulations and the PCT Administrative Instructions, respectively.

INSTRUCTIONS CONCERNING AMENDMENTS UNDER ARTICLE 19

The applicant has, after having received the international search report and the written opinion of the International Searching Authority, one opportunity to amend the claims of the international application. It should however be emphasized that, since all parts of the international application (claims, description and drawings) may be amended during the international preliminary examination procedure, there is usually no need to file amendments of the claims under Article 19 except where, e.g. the applicant wants the latter to be published for the purposes of provisional protection or has another reason for amending the claims before international publication. Furthermore, it should be emphasized that provisional protection is available in some States only (see *PCT Applicant's Guide*, Volume I/A, Annexes B1 and B2).

The attention of the applicant is drawn to the fact that amendments to the claims under Article 19 are not allowed where the International Searching Authority has declared, under Article 17(2), that no international search report would be established (see *PCT Applicant's Guide*, Volume I/A, paragraph 296).

What parts of the international application may be amended?

Under Article 19, only the claims may be amended.

During the international phase, the claims may also be amended (or further amended) under Article 34 before the International Preliminary Examining Authority. The description and drawings may only be amended under Article 34 before the International Examining Authority.

Upon entry into the national phase, all parts of the international application may be amended under Article 28 or, where applicable, Article 41.

When?

Within 2 months from the date of transmittal of the international search report or 16 months from the priority date, whichever time limit expires later. It should be noted, however, that the amendments will be considered as having been received on time if they are received by the International Bureau after the expiration of the applicable time limit but before the completion of the technical preparations for international publication (Rule 46.1).

Where not to file the amendments?

The amendments may only be filed with the International Bureau and not with the receiving Office or the International Searching Authority (Rule 46.2).

Where a demand for international preliminary examination has been/is filed, see below.

How?

Either by cancelling one or more entire claims, by adding one or more new claims or by amending the text of one or more of the claims as filed.

A replacement sheet must be submitted for each sheet of the claims which, on account of an amendment or amendments, differs from the sheet originally filed.

All the claims appearing on a replacement sheet must be numbered in Arabic numerals. Where a claim is cancelled, no renumbering of the other claims is required. In all cases where claims are renumbered, they must be renumbered consecutively (Section 205(b)).

The amendments must be made in the language in which the international application is to be published.

What documents must/may accompany the amendments?

Letter (Section 205(b)):

The amendments must be submitted with a letter.

The letter will not be published with the international application and the amended claims. It should not be confused with the "Statement under Article 19(1)" (see below, under "Statement under Article 19(1)").

The letter must be in English or French, at the choice of the applicant. However, if the language of the international application is English, the letter must be in English; if the language of the international application is French, the letter must be in French.

NOTES TO FORM PCT/ISA/220 (continued)

The letter must indicate the differences between the claims as filed and the claims as amended. It must, in particular, indicate, in connection with each claim appearing in the international application (it being understood that identical indications concerning several claims may be grouped), whether

- (i) the claim is unchanged;
- (ii) the claim is cancelled;
- (iii) the claim is new;
- (iv) the claim replaces one or more claims as filed;
- (v) the claim is the result of the division of a claim as filed.

The following examples illustrate the manner in which amendments must be explained in the accompanying letter:

1. [Where originally there were 48 claims and after amendment of some claims there are 51]:
"Claims 1 to 29, 31, 32, 34, 35, 37 to 48 replaced by amended claims bearing the same numbers, claims 30, 33 and 36 unchanged; new claims 49 to 51 added."
2. [Where originally there were 15 claims and after amendment of all claims there are 11]:
"Claims 1 to 15 replaced by amended claims 1 to 11."
3. [Where originally there were 14 claims and the amendments consist in cancelling some claims and in adding new claims]:
"Claims 1 to 6 and 14 unchanged; claims 7 to 13 cancelled; new claims 15, 16 and 17 added." or
"Claims 7 to 13 cancelled; new claims 15, 16 and 17 added; all other claims unchanged."
4. [Where various kinds of amendments are made]:
"Claims 1-10 unchanged; claims 11 to 13, 18 and 19 cancelled; claims 14, 15 and 16 replaced by amended claim 14; claim 17 subdivided into amended claims 15, 16 and 17; new claims 20 and 21 added."

"Statement under article 19(1)" (Rule 46.4)

The amendments may be accompanied by a statement explaining the amendments and indicating any impact that such amendments might have on the description and the drawings (which cannot be amended under Article 19(1)).

The statement will be published with the international application and the amended claims.

It must be in the language in which the international application is to be published.

It must be brief, not exceeding 500 words if in English or if translated into English.

It should not be confused with and does not replace the letter indicating the differences between the claims as filed and as amended. It must be filed on a separate sheet and must be identified as such by a heading, preferably by using the words "Statement under Article 19(1)."

It may not contain any disparaging comments on the international search report or the relevance of citations contained in that report. Reference to citations, relevant to a given claim, contained in the international search report may be made only in connection with an amendment of that claim.

Consequence if a demand for international preliminary examination has already been filed

If, at the time of filing any amendments and any accompanying statement, under Article 19, a demand for international preliminary examination has already been submitted, the applicant must preferably, at the time of filing the amendments (and any statement) with the International Bureau, also file with the International Preliminary Examining Authority a copy of such amendments (and of any statement) and, where required, a translation of such amendments for the procedure before that Authority (see Rules 55.3(a) and 62.2, first sentence). For further information, see the Notes to the demand form (PCT/IPEA/401).

If a demand for international preliminary examination is made, the written opinion of the International Searching Authority will, except in certain cases where the International Preliminary Examining Authority did not act as International Searching Authority and where it has notified the International Bureau under Rule 66.1bis(b), be considered to be a written opinion of the International Preliminary Examining Authority. If a demand is made, the applicant may submit to the International Preliminary Examining Authority a reply to the written opinion together, where appropriate, with amendments before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later (Rule 43bis.1(c)).

Consequence with regard to translation of the international application for entry into the national phase

The applicant's attention is drawn to the fact that, upon entry into the national phase, a translation of the claims as amended under Article 19 may have to be furnished to the designated/elected Offices, instead of, or in addition to, the translation of the claims as filed.

For further details on the requirements of each designated/elected Office, see the *PCT Applicant's Guide*, Volume II.

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference 05918-526W01	FOR FURTHER ACTION see Form PCT/ISA/220 as well as, where applicable, item 5 below.	
International application No. PCT/US2009/040003	International filing date (day/month/year) 09/04/2009	(Earliest) Priority Date (day/month/year) 10/04/2008
Applicant VELCRO INDUSTRIES B.V.		

This international search report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This international search report consists of a total of 4 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

a. With regard to the **language**, the international search was carried out on the basis of:

- ☒ the international application in the language in which it was filed
☐ a translation of the international application into _____, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b))

b. ☐ This international search report has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43.6bis(a)).

c. ☐ With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, see Box No. I.

2. ☐ **Certain claims were found unsearchable** (See Box No. II)

3. ☐ **Unity of invention is lacking** (see Box No. III)

4. With regard to the **title**,

- ☒ the text is approved as submitted by the applicant
☐ the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,

- ☒ the text is approved as submitted by the applicant
☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. With regard to the **drawings**,

- a. the figure of the **drawings** to be published with the abstract is Figure No. 1
☒ as suggested by the applicant
☐ as selected by this Authority, because the applicant failed to suggest a figure
☐ as selected by this Authority, because this figure better characterizes the invention
b. ☐ none of the figures is to be published with the abstract

INTERNATIONAL SEARCH REPORT

International application No
PCT/US2009/040003

A. CLASSIFICATION OF SUBJECT MATTER

INV. E04D5/14 E04D13/16 A44B18/00 B29C43/22 E04C2/24

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

E04D A44B B29C E04C C08G

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal

D. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	DE 22 63 375 A1 (BRAAS & CO GMBH) 4 July 1974 (1974-07-04) page 6, line 14 - line 24; figure 1	1-5, 14-19
X	EP 1 795 654 A (VELCRO IND B V NL [AN]) 13 June 2007 (2007-06-13) figure 3	1-6, 14, 16
Y	figure 13 paragraph [0072]	8-13
X	DE 197 52 819 A1 (ROCKWOOL MINERALWOLLE [DE]) 10 June 1999 (1999-06-10) figures 1, 3 column 3, line 53 - line 54 column 4, line 2 - line 27 column 4, line 45 - line 47	1-5, 7, 14, 16

-/-

☒ Further documents are listed in the continuation of Box C.

☒ See patent family annex.

* Special categories of cited documents:

A document defining the general state of the art which is not considered to be of particular relevance

E earlier document but published on or after the international filing date

I document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

O document referring to an oral disclosure, use, exhibition or other means

P document published prior to the international filing date but later than the priority date claimed

T later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

X document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

Y document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art

S document member of the same patent family

Date of the actual completion of the international search

26 June 2009

Date of mailing of the international search report

07/07/2009

Name and mailing address of the ISA/

European Patent Office P.O. Box 5818 Patentlaan 2
NL - 2280 HV Rijswijk
Tel: (+31-70) 340-2040
Fax: (+31-70) 340-3016

Authorized officer

Bauer, Josef

INTERNATIONAL SEARCH REPORT

International application No.

PCT/US2009/040003

Continuation. DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to class No.
Y	US 5 124 366 A (GLUCK DAVID G [US] ET AL) 23 June 1992 (1992-06-23) figure 1 column 9, line 54 - line 56 -----	8-13
X,P	WO 2009/025650 A (DELIDDO JACK P [US]) 26 February 2009 (2009-02-26) figures 4-6 page 12, line 10 - line 15 -----	1-5,7
A	EP 0 146 012 A (CELOTEX CORP [US]) 26 June 1985 (1985-06-26) cited in the application figure 5 -----	8-13

INTERNATIONAL SEARCH REPORT

Information on patent family members

International application No

PCT/US2009/040003

Patent document cited in search report	Publication date	Patent family member(s)	Publication date
DE 2263375	A1	04-07-1974	NONE
EP 1795654	A	13-06-2007	NONE
DE 19752819	A1	10-06-1999	NONE
US 5124366	A	23-06-1992	CA 2073183 A1 06-05-1992 EP 0509085 A1 21-10-1992 JP 5505850 T 26-08-1993 MX 9101908 A1 01-06-1992 WO 9207891 A1 14-05-1992
WO 2009025650	A	26-02-2009	NONE
EP 0146012	A	26-06-1985	AU 3420284 A 13-06-1985 CA 1334159 C 31-01-1995 DE 3483356 D1 08-11-1990 DK 530484 A 06-06-1985 ES 8606104 A1 01-10-1986 ES 8606106 A1 01-10-1986 ES 8606107 A1 01-10-1986 ES 8700140 A1 01-01-1987 ES 8609420 A1 16-12-1986 FI 844827 A 06-06-1985 IE 57636 B1 10-02-1993 JP 2075377 C 25-07-1996 JP 5027528 B 21-04-1993 JP 60149444 A 06-08-1985 MX 164602 B 04-09-1992 NO 844460 A 06-06-1985 US 4572865 A 25-02-1986

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

To:

PCT

see form PCT/ISA/220

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43b/s.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/US2009/040003

International filing date (day/month/year)
09.04.2009

Priority date (day/month/year)
10.04.2008

International Patent Classification (IPC) or both national classification and IPC
INV. E04D05/14 E04D13/16 A44B18/00 B29C43/22 E04C2/24

Applicant
VELCRO INDUSTRIES B.V.

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43b/s.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☒ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 56.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



European Patent Office
P.B. 5318 Patentlaan 2
NL-2280 HV Rijswijk - Pays Bas
Tel. +31 70 340 - 2040
Fax: +31 70 340 - 3016

Date of completion of
this opinion

see form
PCT/ISA/210

Authorized Officer

Bauer, Josef

Telephone No. +31 70 340-2292



**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/US2009/040003

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of:
 - ☒ the international application in the language in which it was filed
 - ☐ a translation of the international application into , which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1 (b)).
2. ☐ This opinion has been established taking into account the **rectification of an obvious mistake** authorized by or notified to this Authority under Rule 91 (Rule 43bis.1(a))
3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
 - ☐ a sequence listing
 - ☐ table(s) related to the sequence listing
 - b. format of material:
 - ☐ on paper
 - ☐ in electronic form
 - c. time of filing/furnishing:
 - ☐ contained in the international application as filed.
 - ☐ filed together with the international application in electronic form.
 - ☐ furnished subsequently to this Authority for the purposes of search.
4. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
5. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/US2009/040003

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	<u>8-13,20</u>
	No: Claims	<u>1-7,14-19</u>
Inventive step (IS)	Yes: Claims	<u>20</u>
	No: Claims	<u>1-19</u>
Industrial applicability (IA)	Yes: Claims	<u>1-20</u>
	No: Claims	

2. Citations and explanations

see separate sheet

Box No. VI Certain documents cited

1. Certain published documents (Rules 43bis.1 and 70.10)

and / or

2. Non-written disclosures (Rules 43bis.1 and 70.9)

see form 210

Re Item V.

1. Reference is made to the following documents:

D1: DE 22 63 375 A1

D2: EP-A-1 795 654

D3: DE 197 52 819 A1

D4: US-A-5 124 366

2. **Independent claim 1**

The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 1 is not new in the sense of Article 33(2) PCT.

Document **D1 (fig. 1)** discloses:

a construction insulation board (6) comprising:

a rigid foam board (7) having two broadest sides defining a thickness there between; and

a first reinforcing facing (8) comprising a flexible touch fastener material bonded across one of the broadest board sides exposed for engagement across the board with cooperative touch fasteners to form a releasable fastening (description page 6, line 14-18).

Therefore, document D1 discloses all the features of claim 1.

Also the documents **D2 (fig. 11 and column 24, line 1-9)** and **D3 (fig. 1 and column 3, line 53-54 / column 4, line 2-7)** discloses all the features of claim 1.

Therefore, claim 1 is not new over documents D2 and D3.

3. **Independent claim 8**

The present application does not meet the criteria of Article 33(1) PCT, because the subject matter of claim 8 does not involve an inventive step in the sense of Article 33(3)PCT.

Document **D4 (fig. 1)**, which is considered to represent the most relevant state of the art to the subject matter of claim 8, discloses:

a method of forming a construction underlayment, the method comprising introducing a longitudinally continuous facing (31') into a molding channel (34), the facing (31') comprising a flexible sheet-form base; introducing liquid resin (44) to the molding channel (34), the liquid resin

containing a foaming agent that causes the liquid resin (44) to foam to expand and fill the molding channel on a back side of the facing base (31'), such that the foamed resin (44) bonds to the facing (31'); and solidifying the foamed resin to form a resin board (45) having the facing (31') bonded thereto.

The subject-matter of independent claim 8 differs from the disclosure of D4 in that:

- the facing comprises an array or field of fastener elements.

The problem to be solved by the present invention may therefore be regarded as

- installing a facing material on a construction insulation board to increase the uplift load resistance of such a board (description, page 2, line 20).

In view of D2 the solution proposed in claim 8 of the present application cannot be considered as involving an inventive step (Article 33(3) PCT) for the following reasons:

D2 (fig. 13) discloses a method of forming a facing with fastener elements (402) on a rigid board (406). Therefore, a facing with fastener elements on a board has been employed for the same purpose of increasing the uplift load resistance (description, column 19, line 46-48). D4 discloses that any facing material can be employed in the described method for the manufacture of a rigid foam board (description, column 9, line 54-56). It would be obvious to the person skilled in the art, namely when the same result is to be achieved, to apply a facing with fastener elements with corresponding effect to an construction board according to document D4, thereby arriving at a construction underlayment formed by a method according to claim 8.

Therefore the features disclosed in D2 and D4 would be combined by the skilled person, without exercise of any inventive skills in order to solve the problem posed. The proposed solution in independent claim 8 thus cannot be considered inventive (Article 33(3) PCT).

4. Independent claim 14

The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claim 14 is not new in the sense of Article 33(2) PCT.

Document D1 discloses:

a method of roofing a structure, the method comprising:
securing an underlayment (page 7, line 17-22) comprising the construction
insulation board (6) to a roof deck (1) and
positioning a flexible roof membrane (9), to extend across the underlayment,
the roof membrane (9) comprising a water-impervious sheet (10) with a field
or array of touch fastener (11) elements exposed on a broad side thereof to
engage with the touch fastener elements (8) of the underlayment to secure
the roof membrane (9) across the underlayment; and
mechanically enhancing the engagement of the touch fastener elements (11)
of the flexible roof membrane (9) and underlayment.

Therefore, document D1 discloses all the features of claim 14.

Also the documents **D2 (fig. 3)** and **D3 (fig. 1)** discloses all the features of claim 14.

Therefore, claim 14 is not new over documents D2 and D3.

5. **Dependent claims 2-7, 9-13, 15-19**

Dependent claims 2-7, 9-13, 15-19 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step. The reasons are as follows:

- claims 2-5: **D1 (fig. 1 and description, page 6, line 14-18)** discloses a touch fastener material (8) comprising male touch fastener elements (description, page 6, line 17 Haftverschluß-Haken) or fiber loops (description, page 6, line 17 Haftverschluß-Schlaufen), a second reinforcing facing comprising second touch fastener material (8 and description, page 6, line 16) bonded (description, page 6, line 18) across the second broadest face of the foam board (7), first and second facing are bonded directly (description, page 6, line 15-18) to the foam board (7) and the first facing (8) covers substantially all of one of the broadest board sides (description, page 6, line 14-17).
- claim 6: **D2 (description, column 18, line 15-17)** discloses a resin membrane wherein resin stems of male fastener elements extend integrally from a surface of the membrane.
- claim 7: **D3 (fig. 3)** discloses a tie layer (13) between the reinforcing

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING
AUTHORITY (SEPARATE SHEET)

International application No.

PCT/US2009/040003

membrane (6) and the foam board (2).

- claims 9-13: The features of dependent claims 9-13 have already been employed for the same purpose in a similar method, see document D4 (fig. 1). It would therefore be obvious to the person skilled in the art, to apply these features with corresponding effect to a method of forming a construction underlayment, thereby arriving at a method according to claims 9-13.

- claim 15: A Fastening formed by touch fastener elements with a nominal shear slack of about 1.524 mm +/- 0.762 mm is common general knowledge. Therefore, claim 15 is not inventive.

- claim 16: Installing the underlayment over the roof membrane and adding additional elements on top of the underlayment is common general knowledge (see documents D2, fig. 4 and D3, fig. 1). Therefore, claim 16 is not inventive.

- claims 17 and 18: D1 (description, page 7, line 17-22) discloses a first underlayment (durchgehende Folie) secured to the roof deck using through fasteners (genagelt) and a subsequent underlayment layer (weitere Abdeckschicht) secured over the first underlayment layer by touch fasteners (Haftverschluß-Haken und / oder -Schlaufen).

- claim 19: D3 (fig. 1) discloses a roof membrane (12) installed between the roof deck and the underlayment (2).

* * *

(J. Bauer)

Possible steps after receipt of the international search report (ISR) and written opinion of the International Searching Authority (WO-ISA)

General information	For all international applications filed on or after 01/01/2004 the competent ISA will establish an ISR. It is accompanied by the WO-ISA. Unlike the former written opinion of the IPEA (Rule 66.2 PCT), the WO-ISA is not meant to be responded to, but to be taken into consideration for further procedural steps. This document explains about the possibilities.
Amending claims under Art. 19 PCT	Within 2 months after the date of mailing of the ISR and the WO-ISA the applicant may file amended claims under Art. 19 PCT directly with the International Bureau of WIPO. The PCT reform of 2004 did not change this procedure. For further information please see Rule 46 PCT as well as form PCT/ISA/220 and the corresponding Notes to form PCT/ISA/220.
Filing a demand for international preliminary examination	<p>In principle, the WO-ISA will be considered as the written opinion of the IPEA. This should, in many cases, make it unnecessary to file a demand for international preliminary examination. If the applicant nevertheless wishes to file a demand this must be done before expiry of 3 months after the date of mailing of the ISR/ WO-ISA or 22 months after priority date, whichever expires later (Rule 54bis PCT). Amendments under Art. 34 PCT can be filed with the IPEA as before, normally at the same time as filing the demand (Rule 66.1 (b) PCT).</p> <p>If a demand for international preliminary examination is filed and no comments/amendments have been received the WO-ISA will be transformed by the IPEA into an IPRP (International Preliminary Report on Patentability) which would merely reflect the content of the WO-ISA. The demand can still be withdrawn (Art. 37 PCT).</p>
Filing informal comments	After receipt of the ISR/WO-ISA the applicant may file informal comments on the WO-ISA directly with the International Bureau of WIPO. These will be communicated to the designated Offices together with the IPRP (International Preliminary Report on Patentability) at 30 months from the priority date. Please also refer to the next box.
End of the international phase	At the end of the international phase the International Bureau of WIPO will transform the WO-ISA or, if a demand was filed, the written opinion of the IPEA into the IPRP, which will then be transmitted together with possible informal comments to the designated Offices. The IPRP replaces the former IPEA (international preliminary examination report).
Relevant PCT Rules and more information	Rule 43 PCT, Rule 43bis PCT, Rule 44 PCT, Rule 44bis PCT, PCT Newsletter 12/2003, OJ 11/2003, OJ 12/2003